

DISTRICT COURT, WATER DIVISION 5, COLORADO 109 8TH STREET, SUITE 104 GLENWOOD SPRINGS, CO 81601 (970) 945-5075	
CONCERNING THE APPLICATION FOR WATER RIGHTS OF:	
THE SNOWMASS WATER AND SANITATION DISTRICT, a Colorado special district,	
In PITKIN AND EAGLE COUNTIES, Colorado	▲ COURT USE ONLY ▲
Attorneys for the Colorado Water Conservation Board: CYNTHIA H. COFFMAN, Attorney General PHILIP E. LOPEZ, Assistant Attorney General Attorney Reg. # 40484* Water Conservation Unit Natural Resources & Environment Section Office of the Colorado Attorney General 1300 Broadway, 7 th Floor Denver, CO 80203 Telephone: (720) 508-6312 FAX: (720) 508-6039 Email: philip.lopez@coag.gov *Counsel of Record	Case No. 2017CW3258 Water Div. 5
STATEMENT OF OPPOSITION OF THE COLORADO WATER CONSERVATION BOARD	

1. Name, mailing address, email address and telephone number of Opposer:
Colorado Water Conservation Board ("CWCB")
1313 Sherman Street, Room 721
Denver, CO 80203
Telephone: (303) 866-3441
Don.west@state.co.us
2. Name of ditch or structure: As more fully described in the application.
3. State facts why the application should not be granted or why it should be granted only in part or on certain conditions:

- a. The CWCB holds water rights, including the following instream flow water rights, in Water Division 5 in the Roaring Fork River Watershed that could be injured by this application:

Case Number	Stream	Upper Terminus	Lower Terminus	CFS Rate (Dates)	Approp. Date
10CW0184 [^] (Div. 5)	Roaring Fork River	confl Owl Creek	confl Fryingpan River	Varies 0.15-0.89	06/30/1904
76W2943 (Div. 5)	Snowmass Creek	outlet Snowmass Lake	confl W Snowmass Creek	9 (4/1 - 10/15) 4 (10/16 - 3/31)	01/14/1976
76W2943A (Div. 5)	Snowmass Creek	confl W Snowmass Creek	confl Capitol Creek	12 (4/1 - 10/15)	01/14/1976
76W2943B (Div. 5)	Snowmass Creek	confl Capitol Creek	confl Roaring Fork River	12 (4/1 - 10/15) 11 (10/16 - 3/31)	01/14/1976
85CW0639 (Div. 5)	Roaring Fork River	confl Fryingpan River	confl Crystal River	75 (10/1 - 3/31) 145 (4/1 - 9/30)	11/08/1985
85CW0646 (Div. 5)	Roaring Fork River	confl Maroon Creek	confl Fryingpan River	30 (10/1 - 3/31) 55 (4/1 - 9/30)	11/08/1985
92CW0280* (Div. 5)	Snowmass Creek	confl W Snowmass Creek	confl Capitol Creek	3 (4/1 - 10/15)	09/15/1992
92CW0281* (Div. 5)	Snowmass Creek	confl Capitol Creek	confl Roaring Fork River	10.5 (4/1 - 10/15)	09/15/1992

* Increased

[^] Donated/Acquired Water Right

- b. The proposed plan for augmentation and exchange may not replace depletions in the proper time, place and amount, which could injure the CWCB's instream flow water rights.
- c. Terms and conditions should be included in the decree to ensure that the proposed decree will not injure the CWCB's instream flow water rights by expansion of use of water rights that are senior to CWCB's instream flow water rights.
- d. Terms and conditions should be included in the decree to address the measurement, recording, accounting and operations by Applicant in order for proper administration and compliance with all the terms and conditions of any decree entered in this matter.
- e. The application does not present sufficient information to fully evaluate the extent to which the CWCB's instream flow water rights may be injured.

- f. The CWCB is unable to determine from the application whether additional grounds for opposition exist, and therefore reserves the right to assert other grounds for opposition as they become known.
4. This Statement of Opposition is continuing in nature and shall apply to any and all future amendments to the original application.

Dated this 27th day of February, 2018.

CYNTHIA H. COFFMAN
Attorney General

E-filed pursuant to C.R.C.P. 121.



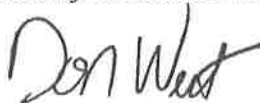
PHILIP E. LOPEZ, # 40484*
Assistant Attorney General
Water Conservation Unit
Natural Resources and Environment Section
Office of the Colorado Attorney General
Attorneys for CWCB
*Counsel of Record

VERIFICATION

STATE OF COLORADO)
) ss
CITY AND COUNTY OF DENVER)

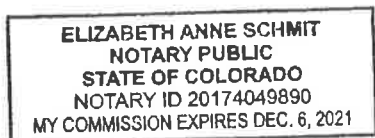
I, Don West, Water Resources Engineer, Colorado Water Conservation Board, being duly sworn, hereby state that I have read the foregoing Statement of Opposition, and that the contents are true to the best of my knowledge.

*Signed original on file with the Office of the
Attorney General for the State of Colorado*



Don West, P.E.
Water Resources Engineer
Colorado Water Conservation Board

Subscribed and sworn to before me this 27 day of February, 2018, in the City and County of Denver, State of Colorado.



*Signed original on file with the Office of the
Attorney General for the State of Colorado*



NOTARY PUBLIC

My Commission expires:

Dec. 6, 2021

CERTIFICATE OF SERVICE

This is to certify that on this 27th day of February, 2018, I caused a true and correct copy of the foregoing **STATEMENT OF OPPOSITION** to be served electronically via Colorado Courts E-Filing (CCE) addressed to each of the following:

Party Name	Party Type	Attorney Name
Division 5 Engineer	Division Engineer	Division 5 Water Engineer (State of Colorado DWR Division 5)
Snowmass Water And Sanitation District	Applicant	Mark Edward Hamilton Tarn Udall (Holland & Hart LLP)
State Engineer	State Engineer	Colorado Division of Water Resources (State of Colorado - Division of Water Resources)

E-filed pursuant to C.R.C.P. 121.



/s/ Margaret L. Popick

Margaret L. Popick